



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

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Voice/Relay

Valdis Lazdins, Director

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February 6, 2017

## TECHNICAL STAFF REPORT

*Hearing Examiner hearing of February 13, 2017*

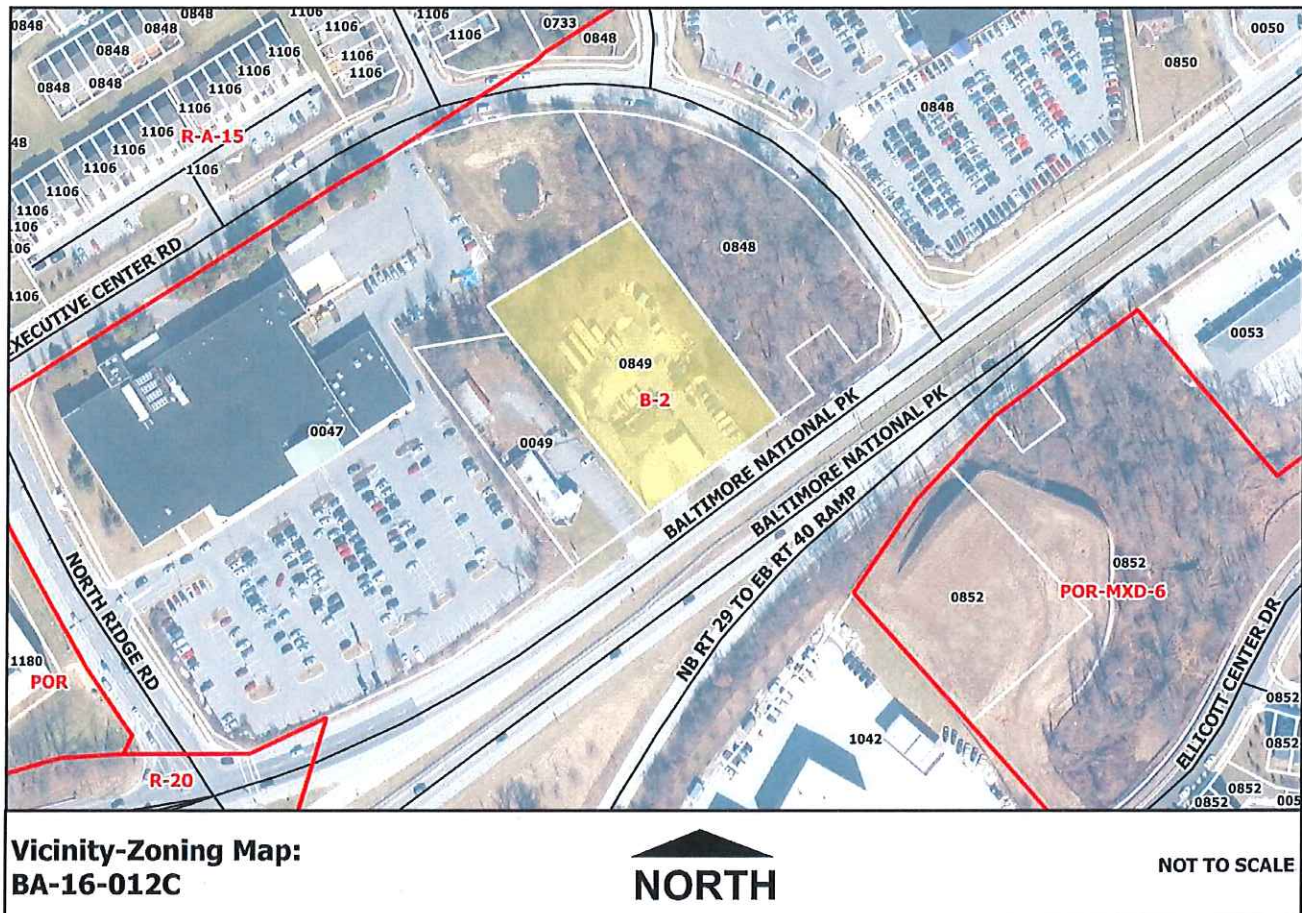
**Case No./Petitioner:** BA-16-012C – Meteeb LLC, t/a BP Gas Station

**Request:** Conditional Use to enlarge an existing motor vehicle fueling facility for office and storage uses (Section 131.0.O.2.)

**Location:** Second Election District  
North side of Baltimore National Pike approximately 235 Feet west of Executive Center Road; Tax Map 24, Grid 6, Parcel 849; 8720 Baltimore National Pike (the "Property").

**Area of Property:** 1.41 acres

**Zoning:** B-2 (Business: General)



## I. CONDITIONAL USE PROPOSAL

The Property contains a motor vehicle fueling facility that was established through a Special Permit use in 1968. The Petitioner is requesting approval after-the-fact for an already existing 8 ft. by 15 ft. storage area addition and an 8 ft. by 20 ft. office addition constructed onto the rear wall of the principal building.

## II. BACKGROUND INFORMATION

### A. Site Description

The Property is a 1.41 acre rectangular lot consisting of a 2,200 square foot, one-story building with a three-bay garage and a convenience store, two raised islands with four fuel dispensers, and a canopy covering the fueling area. Paving extends along both sides and to the rear of the building and is used for vehicle circulation, vehicle storage, vehicle rental, storage containers, and a vehicle glass service.

The remainder of the Property, to the northwest and northeast, is wooded. Topography slopes down approximately 10 feet in elevation from the highest points along the southwest lot line to the northeast lot line.

### B. Vicinal Properties

All adjacent properties on the north side of Baltimore National Pike are also zoned B-2. To the north is Lot PAR E of Parcel 47 and it contains a shopping center. The area of this lot adjoining the Property contains stormwater management for the shopping center, while the shopping center building and parking lot are farther to the southwest.

To the east is Lot PAR J of Parcel 848, which is wooded and unimproved, with a stream and a Forest Conservation Easement. Farther to the northeast, across Executive Center Road, is Lot PAR H, which is the site of a large motor vehicle sales facility.

To the south, across Baltimore National Pike, is Lot PAR A of Parcel 1042. This property is zoned both B-2 and POR-MXD-3 and is the site of the Howard County Ridge Road Shop maintenance facility.

To the west is Parcel 49, which is the site of a motor vehicle purchasing business.

### C. Roads

Along the Property's frontage Baltimore National Pike/US 40 has three westbound travel lanes and two eastbound travel lanes, which become three eastbound lanes at the point the exit lane from northbound US 29 merges with eastbound US 40. The posted speed limit on westbound US 40 is 45 miles per hour. The width of the wide right-of-way varies.

The estimated sight distance from the westernmost site entrance is over 800 feet to the east. Since US 40 is a divided highway sight distance to the west is not an issue. However, precise sight distance measurements can only be determined through a detailed sight distance analysis.

According to the State Highway Administration, traffic volume in 2015 on US 40 east of US 29 was 46,600 ADT (average daily trips).



D. Water and Sewer Service

The Property is within the Metropolitan District and the Planned Service Area and is served by public water and sewer.

E. General Plan

The Property is designated Growth and Revitalization on the Designated Place Types Map of the PlanHoward 2030 General Plan and is designated Commercial on the Land Use Map.

US 40 is depicted as an Intermediate Arterial on the Transportation Map of the PlanHoward 2030 General Plan.

F. Agency Comments

See attached comments from the Bureau of Environmental Health and the State Highway Administration. The Department of Recreation & Parks, the Department of Fire and Rescue Services, and the Department of Inspections, Licenses and Permits had no comments.

G. Adequate Public Facilities Ordinance

If it is determined that a Site Development Plan is necessary to enlarge the facility the Adequate Public Facilities Ordinance would apply. However, if it is found that enlarging the facility would not generate additional traffic then the adequate road facilities test would not be triggered.

## III. ZONING HISTORY

- A. Case No. 547-C  
Petitioner: American Oil Company  
Request: Special permit for a gasoline service station.  
Action: Granted, October 30, 1968
- B. Case No. BA 79-49V  
Petitioner: Amoco Oil Company  
Request: Variance to reduce the 30-foot front setback to 1.5 feet for the construction of a canopy over the existing pump islands.  
Action: Granted, January 3, 1980
- C. Case No. BA 84-31V  
Petitioner: Amoco Oil Company  
Request: Variance to reduce the 30-foot front setback to 12 feet for the construction of a kiosk.  
Action: Granted, December 4, 1984
- D. Case No. BA 93-41E  
Petitioner: Amoco Oil Company  
Request: Special Exception to expand an existing gasoline service station to add the sale of compressed natural gas.

Action: Granted, November 23, 1993

- E. Case No. BA 01-41C  
 Petitioner: BP Corporation  
 Request: Conditional use for a gasoline service station with a 2,280 square foot convenience store and 600 square foot carryout restaurant.  
 Action: Granted, February 7, 2002
- F. Case No. CE-16-019  
 Issued to: Munawar H. Choudhery / Mateeb, LLC  
 Violations: The rental of motor vehicles (U-Haul It Trucks) on B-2 (Business: General) zoned property; the storage of shipping containers on B-2 (Business: General) zoned property; addition to or alteration of Conditional Use without Hearing Authority approval.  
 Status: Pending

#### IV. EVALUATION AND CONCLUSIONS

- A. Evaluation of petition according to Section 131.0.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. *The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.*

The Property is designated Growth and Revitalization on the Designated Place Types Map of the PlanHoward 2030 General Plan and is designated Commercial on the Land Use Map. Growth and Revitalization areas are identified as “areas where current policies, zoning, and other regulations, as well as policies suggested in PlanHoward 2030, seek to focus most future County growth.” The proposed additions to the existing motor vehicle fueling facility are in harmony with these policies.

US 40 is depicted as an Intermediate Arterial on the Transportation Map of the PlanHoward 2030 General Plan, which is an appropriate road classification for a motor vehicle fueling facility.

2. *The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.*

The office and storage structures have been added to the rear of the existing building. The total floor area of both structures is slightly more than 0.45% of the 1.41 acre Property. The use of these structures does not affect the overall scale or intensity of the existing facility and they do not affect existing access on westbound Baltimore National Pike.

3. *The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at*



*the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

The two proposed additions will be used for office/storage uses and will not generate additional noise, fumes, or odors. The outdoor canopy lighting, approved in a previous case, complies with zoning regulations and has no adverse effects on the vicinity. There are no residential uses close to the facility and the adjacent uses on improved properties on the north side of Baltimore National Pike are all commercial. Any potential adverse impacts such as noise, dust, fumes, odors, intensity of lighting, vibrations, or hazards will not be greater at this Property than elsewhere.

4. *The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.*

The two additions at the rear of the building are not visible from Baltimore National Pike. While the area of the Property in front of the principal building is very open, the area behind the building is generally well screened by existing vegetation. The only exception is part of the perimeter southwest of the principal building, which is not screened or buffered from adjoining Parcel 49 (Area A on the attached aerial photograph at the end of this document). DPZ recommends landscaping or a fence in this location.

5. *The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.*

The existing facility does not comply with minimum parking requirements. A motor vehicle fueling facility with three service bays requires 12 parking spaces and the Conditional Use Plan indicates only nine. However, there is room to provide additional onsite parking.

Not depicted on the Conditional Use Plan is a vehicle rental business and a vehicle glass service business that operate behind the motor vehicle fueling facility. These uses were not included in previous petitions or on the approved Site Development Plan. Pursuant to Sec. 131.0.O.2.11, the Hearing Authority may approve these uses on the same lot as a motor vehicle fueling station, however, they must be depicted on the Conditional Use Plan, along with parking calculations.

The rear "service area" where the two structures are located is generally screened from the road by the principal building. However, additional screening should be added along the southwest perimeter next to Parcel 49, as noted above.

6. *The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.*

The westernmost site access onto Baltimore National Pike is more than 800 feet from a point at which oncoming traffic travelling at the posted speed limit becomes less clear. The American Association of State Highway and Transportation Officials (AASHTO) guidelines estimate a 360 foot stopping sight distance for a car going 45 miles per hour, which the existing westernmost access point meets. However, because Baltimore National Pike is an Intermediate Arterial, AASHTO recommends an intersection sight distance analysis be conducted, in addition to a stopping sight distance analysis.

A professional sight distance analysis is required to conclusively evaluate sight distance at the proposed location and it is typically conducted as part of Site Development Plan review. All site development plan approvals are contingent on complying with all Howard County design criteria, including sight distance analysis. The State Highway Administration did not comment about the existing access at this time.

7. *The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.*

The closest environmentally sensitive area is a stream located across Baltimore National Pike, approximately 450 ft. from the proposed additions. Given the distance from the resource and the nature of the office and storage uses, any adverse impacts are not likely to be greater in the proposed location than elsewhere.

8. *The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.*

There are no existing historic sites in the vicinity and the closest existing historic building is on Rogers Avenue; estimated to be almost one mile to the southeast.

- B. Evaluation of petition according to Section 131.0.O.2 (Specific Criteria for Motor Vehicle Fueling Facilities):

1. *The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the Motor Vehicle Fueling Facility is proposed and will not have a blighting influence as a result of a proliferation of Motor Vehicle Fueling Facilities within a particular area.*

The motor vehicle fueling facility has operated since the 1960s. The proposed office/storage additions will not adversely affect the general welfare or logical development of the vicinity and will not have a blighting influence, since they just enlarge the existing use.

2. *The minimum lot size for a Motor Vehicle Fueling Facility is 40,000 square feet. If a Motor Vehicle Fueling Facility is combined with another use on the same lot, the minimum lot size shall be increased in accordance with the provisions of Section 131.0.O.1.k.*

The lot is 1.41 acres or 61,419 square feet.



3. *The lot shall have at least 180 feet of frontage on a public road. If at the intersection of two public roads, the total of the frontage along both roads may be counted.*

The lot frontage is 200 feet.

4. *Fuel dispensers shall be located at least 300 feet from any school, park, or day care or assisted living facility. This criterion is not applicable to existing Motor vehicle fueling facilities, except that it shall be applicable if an existing motor vehicle fueling facility proposes an enlargement that includes additional fuel dispensers.*

This criterion does not apply.

5. *The proposed use shall be located at least 100 feet from any streams, rivers or floodplains. This criterion is not applicable to existing motor vehicle fueling facilities, except that it shall be applicable if an existing motor vehicle fueling facility proposes an enlargement that includes additional fuel dispensers.*

This criterion does not apply.

6. *At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.*

The Conditional Use Plan, which is a revised version of the approved Site Development Plan (SDP-94-041) states that the landscaped area totals 49% of the Property.

7. *Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required on the outside of the wall.*

This criterion does not apply.

8. *Refuse areas shall be fenced or screened from view. The plan shall indicate the disposal methods to be used for all waste material generated by any vehicle repair operations.*

There is an existing, partially fenced refuse area behind the principal building and an unfenced trash receptacle, which must be screened. Additional screening in Area A (as indicated on the attached aerial photograph) is recommended to screen the area behind the building. There is no information to evaluate the second part of this criterion.

9. *A proposed site plan shall show that efficient traffic flow and queuing at the pump islands may be accommodated. Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians.*

The first part of this criterion does not apply because there are no proposed changes to the pump island. The two additions are located behind the building and are not associated with traffic flow/queuing at the pump island.

The two drives at the front of the Property are approximately 34 feet wide and provide safe and efficient access. However, a pedestrian crosswalk should be marked between the parking spaces and the building.

10. *Operation*

*Outside operations shall be limited to the dispensing of motor vehicle fuel, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.*

*Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority.*

*The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the Motor Vehicle Fueling Facility.*

*Where a Motor Vehicle Fueling Facility is adjacent to a residential district, its hours of operation and a detailed landscaping and screening plan and a lighting plan shall be approved by the Hearing Authority.*

Based on site inspection truck rental, vehicle storage, and vehicular glass service uses are occurring under a canopy behind the main building. Since these have not been previously approved they must be by the Hearing Authority in accordance with Sec. 131.0.O.2.11.

11. *Other Uses*

*Other uses may be located on the same lot as a Motor Vehicle Fueling Facility, including uses permitted in the zoning district as well as car washes and convenience stores, provided that all uses are approved by the Hearing Authority.*

*The minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of 40,000 square feet must be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.*



*In the PEC, M-1 and M-2 districts, the gross floor area of convenience stores shall not exceed 3,500 feet.*

The vehicle glass service and a truck rental uses are both permitted as a matter of right in the B-2 zoning district and the Hearing Authority may approve them through the Conditional Use process. The square footage of these areas should be identified on the Conditional Use Plan.

12. *Abandonment*

If abandoned, the motor vehicle fueling facility use would be subject to the Abandonment provisions.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use to enlarge an existing motor vehicle fueling facility by adding an office and storage shed be **APPROVED**, subject to the following conditions:

1. The unscreened trash receptacle shall be screened or removed from the Property
2. Storage uses occurring on the unpaved areas in Area B shall cease.
3. The Conditional Use Plan shall be amended to include:
  - a. Additional parking spaces, as required by Sec. 133.0, for all proposed land uses.
  - b. Pedestrian crosswalk pavement markings between all parking spaces and building entrances.
  - c. The disposal methods for all waste generated by all vehicle repair operations.
  - d. All proposed land uses and square footage in accordance with Sec. 131.0.O.2.11.
  - e. Additional screening or a fence, as determined by the Hearing Authority, in Area A to better screen the area behind the principal building.
  - f. The Conditional Use shall be conducted in conformance with and shall apply only to the Conditional Use, as approved by the Hearing Authority.
  - g. The approved Site Development Plan shall be updated to depict all current site conditions and authorized uses.

Approved by:

 2-6-17  
Valdis Lazdins, Director Date

**NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.**



**Bureau of Environmental Health**

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

TDD 410-313-2323 | Toll Free 1-866-313-6300

[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](https://www.facebook.com/hocohealth)

Twitter: HowardCoHealthDep

**Maura J. Rossman, M.D., Health Officer**

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**MEMORANDUM**

TO: Geoff Goins  
Division of Zoning Administration and Public Service

FROM: Jeff Williams  
Program Supervisor, Well & Septic Program  
Bureau of Environmental Health

RE: **BA-16-012c**

DATE: January 23, 2017

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The Health Department has reviewed the above referenced petition and has no objection to the variance. The proposed structure shall not be constructed over any monitoring wells on the property.



Hearing Examiner 02/13/17  
 Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petitioner: George & Teresa Bearman M&T Tech LLC

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Return Comments by January 23, 2016 to Public Service and Zoning Administration


Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: SEE APPLICATION

[illegible]

To:

\_\_\_\_\_ MD Department of Education – Office of Child Care  
\_\_\_\_\_ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)  
\_\_\_\_\_ Bureau of Environmental Health  
\_\_\_\_\_ Development Engineering Division  
\_\_\_\_\_ Department of Inspections, Licenses and Permits  
\_\_\_\_\_ Department of Recreation and Parks  
\_\_\_\_\_ Department of Fire and Rescue Services  
 \_\_\_\_\_ State Highway Administration  
\_\_\_\_\_ Sgt. Karen Shinham, Howard County Police Dept.  
\_\_\_\_\_ James Irvin, Department of Public Works  
\_\_\_\_\_ Office on Aging, Terri Hansen (senior assisted living)  
\_\_\_\_\_ Police Dept., Animal Control, Deborah Baracco, (kennels)  
\_\_\_\_\_ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)  
\_\_\_\_\_ Land Development - (Religious Facility & Age-Restricted Adult Housing)  
\_\_\_\_\_ Housing and Community Development  
\_\_\_\_\_ Resource Conservation Division – Beth Burgess  
\_\_\_\_\_ Route 1 Cases – DCCP – Kristen O'Connor  
\_\_\_\_\_ Telecommunication Towers – (Comm. Dept.)  
\_\_\_\_\_ Division of Transportation – Dave Cookson

COMMENTS:

COMMENTS:  
NO COMMENT NOR OBJECTION!  
ACCESS POINTS ARE NOT CHANGING.

